

BACKUS BURDEN
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Albertson's LLC,
Albertson's Stores Sub LLC,
Safeway Inc. d/b/a Albertson's,
and AB Acquisition LLC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Spiridon Khoury, individually,) **2:25-cv-00446-JAD-NJK**

Plaintiff,)

vs.)

JOINT STIPULATION AND
ORDER TO REMAND

ALBERTSONS, LLC d/b/a ALBERTSONS;)
ALBERTSON'S STORES SUB LLC;)
SAFEWAY INC. d/b/a ALBERTSON'S;)
AB ACQUISITION LLC; DOES 1 through)
100 and ROE CORPORATIONS 1 through)
100, inclusive,)
Defendants.)

[ECF. Nos. 12, 13]

Pursuant to 28 U.S.C. §§ 1477(c), Spiridon Khoury, by and through his counsel Farhan R. Naqvi, Esq. and Jason M. Miller, Esq. of the firm NAQVI INJURY LAW and Defendants ALBERTSON'S LLC, ALBERTSON'S STORES SUB LLC, SAFEWAY INC. d/b/a ALBERTSON'S, and AB ACQUISITION LLC ("Defendants"), by and through their counsel Jack P. Burden, Esq., and Jamie L. Clark, Esq., of the law firm of BACKUS | BURDEN, hereby jointly stipulate to the remand of the above-captioned case, which was removed from the Eighth Judicial District Court in Clark County, Nevada, to the United States District of Nevada, on March 12, 2025, and in support thereof respectfully state the facts and procedural history as follows:

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1. Plaintiff's Complaint was filed in the Eighth Judicial District Court for Clark County, Nevada on or about December 23, 2024.

2. On March 12, 2025, Defendants filed a Notice of Removal to the Federal District Court, District of Nevada.

3. On March 13, 2025, Defendants filed a Statement Regarding Removal.

4. On April 11, 2025, Plaintiff filed a Motion to Remand Back to State Court and Request Attorney's Fees and Costs.

5. Plaintiff and Defendants agree that pursuant to 28 U.S.C. §§ 1476(b)¹ removal of this case to federal court was untimely and therefore is improper, as Plaintiff's Complaint pled General Damages in excess of \$75,000 and Special Damages in excess of \$75,000, *see* 28 U.S.C. §§ 1332(a)².

6. For the foregoing reason, this case should be remanded back to the Eighth Judicial District Court for Clark County, Nevada.

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¹ ("The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.").

² ("The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs...").

Plaintiff and Defendants hereby agree further to stipulate and agree that Plaintiff will forego his Request for Attorney's Fees and Costs as contained in his Motion to Remand.

IT IS SO STIPULATED AND AGREED TO.

DATED: April 18, 2025.


DATED: April 18, 2025

Respectfully Submitted,
BACKUS | BURDEN
 By: /s/ Jack P. Burden
 Jack P. Burden, Esq.
 Jamie L. Clark, Esq.
 3050 South Durango Drive
 Las Vegas, NV 89117
Attorneys for Defendants

Respectfully Submitted,
NAQVI INJURY LAW GROUP
 By: /s/ Jason M. Miller
 Farhan R. Naqvi, Esq.
 Jason M. Miller, Esq.
 9500 West Flamingo Road, Suite 104
 Las Vegas, NV 89147
Attorneys for Plaintiff

ORDER REMANDING CASE

Based on the parties' stipulation, which establishes that the removal of this case was untimely, IT IS HEREBY ORDERED that the Clerk of Court is kindly directed to **REMAND** this case to the Eighth Judicial District Court, Department 23, Case No. A-24-908669-C, and to close this case. The motion to remand [ECF No. 12] is **DENIED** as moot.


 U.S. District Judge Jennifer A. Dorsey
 Dated: April 21, 2025

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